

AFFIRMATIVE DEPOSITION DESIGNATIONS				COUNTER DESIGNATIONS * <i>Pink</i> = Completeness Designation						REPLY DESIGNATIONS					
Page/Line Begin	Page/Line End	Objections	Replies to Objections	Page/Line Begin	Page/Line End	Objections	Replies to Objections	Page/Line Begin	Page/Line End	Objections	Replies to Objections				
14	8	14	12	n/a		29	16	30	1	Improper Completeness Designation; no objection to treatment as a counter designation	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	342	13	342	18
17	6	19	9	n/a		33	13	33	21	Improper Completeness Designation; no objection to treatment as a counter designation	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	343	20	343	24
19	14	21	7	n/a		30	4	30	8	Improper Completeness Designation; no objection to treatment as a counter designation	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	344	3	344	7
29	11	29	15	n/a		33	24	34	3	Improper Completeness Designation; answer is non-responsive to question asked	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106. Answer is responsive to question asked.	344	10	344	10

34	18	34	21	n/a		34	4	34	17	Improper Completeness Designation; no objection to treatment as a counter designation	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	345	3	345	8	Vague; calls for speculation	This is not vague. The question specified blocking orders deemed to be suspicious. The question also does not call for speculation. The witness was responsible for McKesson's DEA compliance relative to thirty (30) pharmaceutical distribution centers within the U.S., including the suspicious order monitoring. See dep. at 18:2-17. In fact, Mr. Hilliard "had responsibility for compliance with the Controlled Substances Act as it pertained to all of McKesson's distribution centers". See dep. at 29:11-15. To the extent the witness did not know and/or did not have an answer (regarding whether it is good to block orders deemed to be suspicious), that itself is consequential and is proper evidence showing the witness's knowledge, intent and/or state of mind.
53	4	53	6	n/a		49	24	50	1	Improper Completeness Designation; no objection to treatment as a counter designation	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	345	11	345	11	Vague; calls for speculation	Same as above.
53	10	53	22	n/a		50	5	50	5	Improper Completeness Designation; no objection to treatment as a counter designation	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	349	11	349	15		
60	20	61	6	Calls for a legal conclusion; foundation.	This is not a legal conclusion because the testimony involves factual information regarding the witness's notice, knowledge, understanding and/or acceptance of applicable regulations. Mr. Hilliard worked for McKesson for approximately 20 years, the entirety of which involved regulatory responsibilities. Mr. Hilliard worked for about a year as a manager in McKesson's Regulatory Affairs department, and then became a Director of Regulatory Affairs. See dep. at 17:6-23. He was responsible for McKesson's DEA compliance relative to thirty (30) pharmaceutical distribution centers within the U.S., including the suspicious order monitoring. See dep. at 18:2-17. In fact, Mr. Hilliard "had responsibility for compliance with the Controlled Substances Act as it pertained to all of McKesson's distribution centers". See dep. at 29:11-15. Further, the witness testified that "based on the guidance document [i.e., the DEA letter/information at issue], we developed the LDMP program, then into the CSMP program". See dep. at 63:6-8. See also, 7/31/2018 Hartle/MCK 30(b)(6) dep. at 161:19-23 (acknowledging McKesson's receipt of the 9/27/2006 DEA letter at issue). These facts lay the proper foundation for the questioning/testimony at issue (and further show how a legal conclusion is not applicable), particularly since it was the witness's responsibility to handle regulatory compliance for McKesson and know/understand the regulations at issue.	50	8	50	9	Improper Completeness Designation; no objection to treatment as a counter designation	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	349	19	349	25		

61	9	61		9	Calls for a legal conclusion; foundation.	Same as above.	50	11	50	12	Improper Completeness Designation; no objection to treatment as a counter designation	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	350	3	350	4					
62	3	62		9	Assumes facts not in evidence, foundation.	Same as above. Also, the underlying facts at issue have been established through multiple exhibits (see e.g., 7/31/2018 Hartle/MCK 30(b)(6) dep. exh. 16, and P-00032) as well as other testimony. See 7/31/2018 Hartle/MCK 30(b)(6) dep. at 161:19-23 & 163:24-164:11 (acknowledging McKesson's receipt and understanding of the 9/27/2006 DEA letter at issue).	50	15	50	15	Improper Completeness Designation; no objection to treatment as a counter designation	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106.	350	16	350	18					
62	12	63		2	Assumes facts not in evidence; calls for a legal conclusion.	Same as above.	50	17	50	21	Improper Completeness Designation; answer is non-responsive to question asked	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106. Answer is responsive to question asked.									
63	5	63		19	Misstates prior testimony (63:14-19); Calls for a legal conclusion.	Same as above. Also, the question at issue ("if you didn't understand what was meant by this sentence from Mr. Rannazzisi's letter, how could you properly develop a program to address what he's asking you to do?") properly states the prior testimony (as the witness just previously testified "I'm not sure" and "I don't know" about Mr. Rannazzisi's letter at issue). See dep. at 61:4-13.	50	24	50	25	Improper Completeness Designation; answer is non-responsive to question asked	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106. Answer is responsive to question asked.									
63	22	64		5	Misstates prior testimony (63:25-64:5)	The question at issue ("if you were unclear as to what Mr. Rannazzisi was saying here about avoiding filling suspicious orders, how could you design a regulatory program to meet this demand?") properly states the prior testimony (as the witness just previously testified "I'm not sure" and "I don't know" about Mr. Rannazzisi's letter at issue). See dep. at 61:4-13.	51	2	51	6	Improper Completeness Designation; answer is non-responsive to question asked	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106. Answer is responsive to question asked.									
64	9	65		2	Calls for a legal conclusion.	This is not a legal conclusion because the testimony involves factual information regarding the witness's notice, knowledge, understanding and/or acceptance of applicable regulations. Mr. Hilliard worked for McKesson for approximately 20 years, the entirety of which involved regulatory responsibilities. Mr. Hilliard worked for about a year as a manager in McKesson's Regulatory Affairs department, and then became a Director of Regulatory Affairs. See dep. at 17:6-23. In fact, Mr. Hilliard "had responsibility for compliance with the Controlled Substances Act as it pertained to all of McKesson's distribution centers". See dep. at 29:11-15. Further, the witness testified that "based on the guidance document [i.e., the DEA letter/information at issue], we developed the LDMP program, then into the CSMP program". See dep. at 63:6-8.	51	9	51	10	Improper Completeness Designation; answer is non-responsive to question asked	Fairness dictates that testimony be considered with the portions introduced by Plaintiffs. See Fed. R. Civ. P. 32(a)(6); Fed. R. Evid. 106. Answer is responsive to question asked.									
65	5	65		5	n/a		66	23	67	3											
66	4	66		17	n/a		67	6	67	8											
67	19	68		7	Misstates prior testimony (67:19-23)	This is an objection to form which was not made to the questioning at issue during the deposition, and is thus waived. See 67:19-68:5. Moreover, the testimony itself shows how the questioning is not a misstatement. <i>Id.</i>	67	10	67	12											
68	10	68		10	n/a		67	15	67	17											
79	17	80		20	n/a		83	7	83	13											

